

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOE ADAM RAMIREZ	§	
TDCJ-CID #636417	§	
V.	§	C.A. NO. C-07-048
	§	
DR. ROMANO DELCORE, ET AL.	§	

ORDER TO ATTORNEY GENERAL TO PRODUCE INMATE RECORDS

Plaintiff is an inmate in the Texas Department of Criminal Justice, Criminal Institutions Division (“TDCJ-CID”), and is currently incarcerated at the Ferguson Unit in Midway, Texas. He filed this civil rights lawsuit on December 27, 2006, seeking to obtain medical records that he claims were produced while he was in the custody of the Nueces County Jail. (D.E. 1). Specifically, plaintiff claims that from June 11, 1992, through August 3, 1992, he was “diagnosed with severe mental handicaps that were record in medical logs possessed by the defendants....” He states that he has attempted to obtain these medical records from the Nueces County Jail on several prior occasions, including January 6, 2003, November 11, 2004, and November 17, 2004, but that the Jail has refused to provide him with copies. Plaintiff states that he needs these records to pursue properly his habeas corpus claims.

Plaintiff’s father is attempting to prosecute plaintiff’s claims as plaintiff’s next friend. Plaintiff’s father alleges that plaintiff is currently incompetent to pursue claims on his own. A hearing was held in which plaintiff was asked questions on the issue of competency. Plaintiff claims he is unable to pursue claims on his own and requests that his father pursue the claims as his next friend.

Plaintiff has directly placed his competency at issue in this proceeding. In order to evaluate plaintiff’s competency, it is necessary to examine his medical records. Accordingly, it is ordered

that TDCJ-CID, through the Attorney General in its *amicus* capacity, produce, within twenty days of the date of this order, the following medical records and documents related to plaintiff's competency covering the period of plaintiff's incarceration:

- (1) Any and all educational testing and/or IQ scores and/or records;
- (2) Any and all information regarding plaintiff's enrollment in or attendance at educational or vocational classes;
- (3) Records of history of psychiatric illness, diagnosis, confinement or treatment;
- (4) History of any medication prescribed for a psychiatric illness or disorder; and
- (5) Any and all other medical records and information related to plaintiff's mental health and competency, including but not limited to reports, evaluations, hospitalizations, and testing.

The Clerk shall serve a copy of this order on Kent Sullivan, First Assistant Attorney General for the State of Texas.

ORDERED this 28th day of February, 2007.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE